

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE TRUSTEES OF THE TILE, MARBLE AND TERRAZZO
INDUSTRY INSURANCE FUND; TILE, MARBLE AND
TERRAZZO INDUSTRY PENSION FUND; BRICKLAYERS
AND TROWEL TRADES INTERNATIONAL PENSION
FUND; TILE, MARBLE, AND TERRAZZO INDUSTRY
JOINT TRAINING FUND; LABOR MANAGEMENT FUND;
INTERNATIONAL MASONRY INSTITUTE; INDUSTRY
PROMOTION FUND; INTERNATIONAL PPA FUND; TILE,
MARBLE AND TERRAZZO INDUSTRY SUPPLEMENTAL
UNEMPLOYMENT BENEFIT FUND; TILE, MARBLE AND
TERRAZZO INDUSTRY VACATION AND HOLIDAY
FUND; TILE, MARBLE AND TERRAZZO ANNUITY FUND;
BRICKLAYERS AND ALLIED CRAFTWORKERS LOCAL
NO. 2,

Plaintiffs,

Case No. 16-11057

v.

HON. AVERN COHN

PHILLIPS TILE & MARBLE, INC., a Michigan corporation,
THE STUART COMPANY, a Michigan corporation, KOZEY
HOMES, LLC, a Michigan limited liability company, MK TILE
AND STONE INC., a Michigan corporation, L&M TILE
COMPANY, INC., a Michigan corporation, PROFESSIONAL
TILE, INC., a Michigan corporation, KOZEY TILE &
MARBLE, LLC, a Michigan limited liability company, PHILLIP
M. KOZEY, an individual, JANET KOZEY, an individual,
MARK KOZEY, an individual, TOD KOZEY, an individual,
ERIK KOZEY, an individual, and JOHN KOZEY, an individual,
jointly and severally,

Defendants.

**ORDER GRANTING MOTION TO SET ASIDE DEFAULT JUDGMENT AGAINST ERIK
KOZEY AND TODD KOZEY (Doc. 35)
AND REQUIRING AN ANSWER TO THE COMPLAINT WITHIN 21 DAYS**

This is an ERISA case. Plaintiffs, Trustees of various pension and welfare funds,
are suing defendants contending that they have failed to make required contributions to

the funds. Plaintiffs named several defendants, including Tod Kozey and Erik Kozey.

Before the Court is Todd Kozey and Erik Kozey's motion to set aside the default judgment. (Doc. 35). Although Todd Kozey is not a named defendant, he is purportedly the son of named defendant Tod Kozey and the brother of named defendant Erik Kozey. The Clerk entered a default against Tod Kozey and Erik Kozey. (Doc. 20). Subsequently, the Court entered a default judgment against Tod Kozey, Erik Kozey, and others. (Doc. 32).

Plaintiffs do not oppose setting aside the default judgment. See Doc. 38.

The motion is GRANTED. See Fed. R. Civ. P. 55(c), Fed. R. Civ. P. 60(b).

Erik Kozey and Todd Kozey shall file an answer to the complaint within twenty-one (21) days of the date of this order.

The parties may submit an amended scheduling order extending dates as necessary.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 15, 2017
Detroit, Michigan